

RECEIVED

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

MAY 26 A 10:28

Frederick Jackson #
Full name and prison number
of plaintiff(s)

v.

CO1 Howard Robinson,

CO1 Miller, Recycle Super.(s)

Ala.D.O.C., et.al.

Individually & Officially

Name of person (s) who violated
your constitutional rights.
(List the names of all the
persons.)

"Jury Trial Demanded"

CIVIL ACTION NO. 2:06CV478-H
(To be supplied by Clerk of
U.S. District Court)

W
A

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with
the same or similar facts involved in this
action? YES () NO (xxx)

B. Have you begun other lawsuits in state or federal court relating to your
imprisonment? YES () NO (xxx)

C. If your answer to A or B is yes, describe each lawsuit in the space
below. (If there is more than one lawsuit, describe the additional
lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) N/A

N/A

Defendant(s) N/A

N/A

2. Court (if federal court, name the district; if state court, name the county) _____
_____ N/A
3. Docket number _____ N/A
4. Name of judge to whom case was assigned _____
_____ N/A
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
_____ N/A
6. Approximate date of filing lawsuit _____ N/A
7. Approximate date of disposition _____ N/A

II. PLACE OF PRESENT CONFINEMENT Elmore Corr.Facility,P.O. Box 8,
Elmore,Al.36025.

PLACE OF INSTITUTION WHERE INCIDENT OCCURRED Elmore Correctional
Facility,Recycling Center,P.O. Box 8,Elmore,Al.36025

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. CO1 Howard Robinson,	<u>Elmore Corr.Facility,P.O.Box8,Elmore,Al.36025</u>
2. CO1 Miller,	<u>Elmore Corr.Facility,P.O. Box 8,Elmore,Al.36025</u>
3. Comm.Richard Allen,	<u>Al.D.O.C.,301 So.Ripley Street, Mont.Al.36130</u>
4. "Defendants are sued Individually & Officially "	_____
5. _____	_____
6. _____	_____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED May 2nd,2006
Injury Occurred on May 2nd,2006 While working at the Recycling Plant.

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: The defendants have violated this plaintiff's 8th amendment right to be free from cruel and unusual punishment.

SUPPORTING FACTS: "See; Attachment to the Complaint"

GROUND TWO: The defendants have shown a Deliberate Indifference to the Inmates in their Custody.

SUPPORTING FACTS: "See; Attachment to the complaint"

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

1.) "Compensatory Damages", Plaintiff seeks \$100,000.00 dollars
(One Hundred Thousand dollars) for the injury suffered by the
plaintiff, Including, Pain and Suffering.

2.) "Punitive Damages", Plaintiff seeks an additional \$100,000.00 dollars
for the defendants reckless and callous disregard for the plaintiff's
8th Amend. Rights.

Frederick Jackson
Signature of plaintiff(s) Frederick Jackson

I declare under penalty of perjury that the foregoing is true
and correct.

EXECUTED on 5-24-06
(Date)

Frederick Jackson
Signature of plaintiff(s)

Attachment to the 42 U.S.C.S. §1983 Complaint

Your Plaintiff:

Frederick Jackson, Is an Inmate currently in the custody of the Alabama Dept. of Corrections serving his sentence at the Elmore Correctional Facility.

Your Defendant(s):

CO1 Howard Robinson, Is a correctional Officer employed by the Alabama Dept. of Corrections, At the Elmore Correctional Facility, His job duties include supervising the "Elmore Recycling Center", And is responsible for the daily operations of said "Recycling Center", Defendant Robinson, Is also responsible for the supervision of the Inmates assigned to work at the "Recycling Center".

CO1 Miller, Is also a Correctional Officer employed by the Alabama Dept. of Corrections, At the Elmore Correctional Facility, His job duties include supervising the "Elmore Recycling Center", And is also responsible for the daily operations of said "Recycling Center", Defendant Miller, Is also responsible for the daily operations and supervision of the inmates assigned to work at the "Recycling Center".

Commissioner Richard Allen, Is the head of the Alabama Dept. of Corrections, And has Independent Direction, supervision, and control over the Dept. of Corrections, Bestowed upon him under the **Code of Al. 1975 §14-1-1.3**, et. seq., Therefore, He is responsible for the daily operations of the institutions, And the employees thereof.

The §1983 Complaint:

Your Plaintiff, While being assigned and working at the Elmore Recycling Center, And being supervized by Defendants Robinson and Miller, Was ordered to work the Conveyer belt that transports the Garbage thru the Recycling center, Where it is sorted into categories, [i.e.], Plastics, Paper, Metal, etc.

The side of the conveyer belt this plaintiff was ordered to work, Did not have the required Guard over the Drive Chain and gears which propels the conveyer belt.

During this plaintiff's Work Shift, On May 2nd, 2006, While wading thru knee high trash, And keeping the garbage flowing on the conveyer belt, This plaintiff's Hand got caught in the unguarded drive chain, Breaking his Index finger.

Defendants callous disregard for the safety of inmates, And there decision to allow inmates to work around equipment that does not have the necessary Guards in place, Clearly shows a "Deliberate Indifference" to the safety of the inmates under their supervision, And is the reason for this Plaintiff recieving the Injury.

This plaintiff further alleges, That the defendants do not provide the proper training, Nor the proper safety equipment to be working around open machinery, Such as the drive chain, The "Rubber Gloves" issued to this plaintiff by the defendants did nothing to protect his hand from being caught in the open drive chain.

This plaintiff, And other Inmates, Have complained of the dangers associated with working around the unguarded drive chain, Only to be ignored, It becomes especially hazardous, When the Garbage is Knee deep, And an inmate must focus on keeping his balance, And feeding the garbage on the conveyer belt, This plaintiff expressed his concern, To both defendants Robinson and Miller, To no avail. The result, This plaintiff has a severly broken Index finger, With Possible permanent damage due to the lack of safety equipment, And the deliberate indifference of the defendants.

"Certain acts or omissions are so dangerous in respect to health or safety that knowledge of risk on prison officials can be inferred, for purposes of inmates Eighth Amendment claim"

Fruit v. Norris, 905 F.2d.1147(8th Cir.1990)

"It is well established that '[W]hen prison officials intentionally place prisoners in dangerous surroundings, or when they ignore prisoner's serious medical needs, or when they are "Deliberately Indifferent" either to prisoners health or safety, they violate the [eighth amendment to] the constitution." **Cortes-Quinones v. Jimenez-Nettleship, 842 F.2d.556, 558(1st Cir.), cert.denied., 488 U.S.823, 109 S.Ct.68, 102 L.ed.2d.45(1988).**

"[t]here are circumstances in which prison work requirements constitute cruel and unusual punishment." **Johnson v. Clinton, 763**

F.2d.326,328(8th Cir.1985)."[F]or Prison officials knowingly to compel convicts to perform physical labor.....which constitutes a danger to their health,or which is unduly painful constitutes an infliction of cruel and unusual punishment prohibited by the Eighth Amendment....." **Johnson v.Clinton,763 F.2d. at 328(quot-ing Ray v.Mabry,556 F.2d.881,882(8th Cir.1977))(per curiam).**Certain "Acts or ommissions [are] so dangerous (in respect to health or safety) that knowledge of the risk can be inferred."**Cortes-Quinones v.Jimenez-Nettleship,842 F.2d. at 558.**

There can be no doubt,That the defendants acted with "Deliberate Indifference",In ordering inmates to work around machinery with no protective guards in place,The "Deliberate Indifference" on the part of Defendants Robinson and Miller,Amounted to Cruel and Unusual Punishment,Resulting in this plaintiff being Injured.


RELIEF SOUGHT

Damages:

"Compensatory Damages",Plaintiff seeks \$100,000.00 dollars from each defendant for the Injury suffered due to their callous disregard for the plaintiffs rights and safety,Including the pain and suffering caused by the injury.

"Punitive Damages",Plaintiff seeks an additional \$100,000.00 dollars from each defendant for their reckless and callous disregard for the plaintiffs constitutional rights.

Plaintiff further invites this court to grant any/all further relief that the court deems just and proper in the instant case.

Respectfully Submitted, 
Frederick Jackson
Pro/Se Plaintiff